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- USSR -

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## FOREWORD

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## THE ROLE OF PERSUASION AND COERCION IN THE SOVIET STATE

- USSR -

Following is a translation of an article by P. S. Romashkin, Corresponding Member of the Academy of Sciences, USSR, in Sovetskoye Gosudarstvo i Pravo (Soviet State and Law), No 2, Moscow, February 1960, pages 17-30.

(This article is based on a report given by the author in December 1959 at the science conference organized by the Higher Party School of the Central Committee of the CPSU, the Law Institute of the Academy of Sciences of the USSR, the All-Union Institute of Juridical Science, and the law department of Moscow State University, which conference was devoted to measures of the Communist Party and the Soviet State for increasing the role of the public in the struggle for the further strengthening of socialist law.)

The problem of the role of persuasion and coercion in the socialist State is of exceptional theoretical and practical importance for we are discussing here methods for exercising State control over society in the process of building socialism and communism.

The problem of the role of the State in the proletarian revolution and the building of socialism and communism, the problem of the dictatorship of the proletariat, is a vital problem of Marxism-Leninism. This is the central problem of the building of socialism and communism against which theoretical propositions, conclusions, slogans, and practical actions are tested. Therefore it is no accident that the great leader of the proletarian revolution devoted so much attention to problems of the theory of the State and wrote his immortal work Gosudarstvo i Revolyutsiya (State and Revolution).

It is also no accident, now that our country has entered a new historic stage in its development, the Party has gone all out to pose the question of the role of the State under the new conditions, its tasks and functions, and the relationship between persuasion and coercion.

The conclusion that the proletariat should smash the old bourgeois State machinery and create its own socialist State is the most important proposition of Marxism-Leninism. The proletariat will need this State clear up to the complete victory of communism. The transformation of the capitalist society into a communist society is impossible without a transition period by the State in power during this period must be the revolutionary dictatorship of the proletariat. V. I. Lenin considered "...recognition of the State clear up to the development of victorious

socialism into full communism.." to be an undisputable truth of Marxism. (Note V. I. Lenin. Collected Works, Vol. 22, page 309).

At the same time, V. I. Lenin called attention to the decisive fact that the State of the dictatorship of the working class differed fundamentally from all exploitative states.

Every exploitative state, whether slave-owning, feudalistic, or bourgeois, no matter what its form of administration and state structure and no matter what its stage of development, is an apparatus of coercion which the exploiting minority utilize to maintain their rule over the exploited majority. The slave-owning state was an apparatus for holding and enforcing the obedience of slaves; the feudal state ruled over peasants held in serfdom, and the bourgeois state holds the proletariat and the entire working masses in leash. Therefore Engels noted that the chief objective of the exploiting state is to "ensure the economic oppression of the working majority by the property-owning minority by means of armed force." (Note K. Marx and F. Engels. Izbrannye pis'ma (Selected Letters), State Political Publishing House, Moscow, 1953, page 368.) Consequently the fundamental task of all exploiting states was and is to preserve the class divisions of society, to maintain the class rule of small numbers of exploiters and their lackeys over the tens or hundreds of millions of workers.

As a result of the Great October Socialist Revolution, the working class of our country under the guidance of the Communist Party headed by V. I. Lenin overthrew the hated rule of the landlords and capitalists, took the power into their own hands, and established the state of the dictatorship of the working class -- the Soviet Socialist State. After seizing political power, the working class nationalized all the basic tools and means of production, and under the leadership of the Communist Party set about carrying out the cherished objective -- that of building a communist society.

In contrast to the exploiting states, the socialist state, which was founded from the outset on the close union of the working class with the peasantry, was a state of the overwhelming majority of the workers who were suppressing the exploiters, whose numbers were insignificant compared with the masses of the toiling people. As wholly as was possible in a class society, the socialist state began to ensure the democracy of the wide working masses and to personify genuine popular authority.

When stating that the dictatorship of the working class presupposed the application of decisive force to suppress the resistance of the overthrown classes, Lenin repeatedly emphasized that the basic purpose of the socialist state was not coercion but creative work, the solution of the problems of building communism. Only the enemies of socialism attempted to depict the dictatorship of the working class as a regime which allegedly denied legality and which used only coercion. The essence of the dictatorship of the working class, Lenin wrote, consists in the organized and disciplined nature of the advanced workers, the

vanguard. Its objective is to create socialism, to "make all members of society workers, to eliminate all exploitation of man by man." (Note V. I. Lenin, Collected Works, Vol 29, page 358.) The chief task of the socialist state which stems out of the class interests of the working class is not the maintenance, but the annihilation of classes and class differences, not the preservation, but the complete liquidation of the exploitation of man by man. The ultimate task of the dictatorship of the working class is the creation of a classless society, a society in which the level of the productive forces will permit realization of the communist principle: "From everybody in accordance with his capabilities, to everybody in accordance with his needs." At the same time, the cultural and material level of the citizenry will permit getting along entirely without coercion and, consequently, without the State, too.

In accordance with the character of these magnificent tasks, the socialist state expressed from the first days of its existence and is expressing the real interests of all working people and is realizing genuine democracy on a scale unheard of in history. In contrast with previously existing states, the state machinery of the Soviet State has not opposed and will not oppose the people as a separate and foreign force, but is always merged with the people and is supported by the people.

It is this fundamental contrast of the socialist state with all previously existing and existing exploiting states which provided V. I. Lenin with grounds for stating that the socialist state is a semi-state, something "that is no longer actually a state." (Note V. I. Lenin, Collected Works, Vol. 25, page 369.) In order to make the transition to communism, wrote V. I. Lenin, the "particular apparatus, the particular machinery for suppression, 'the state', is still essential, but it is already a transitional state, it is no longer a state in the proper sense of the word, for the suppression of a minority of exploiters by the majority of yesterday's hired slaves is a matter so comparatively easy, simple, and natural, that it will cost far less blood than the suppression of revolts slaves, serfs, or hired workers..." (Note Op. cit., page 435.)

Thus, V. I. Lenin, who had a mind the fundamental contrast between the socialist state and all previously existing states, characterized the dictatorship of the working class as "a semi-state", "a transitional state", "not a state in the proper sense of the word".

The relationship between methods of coercion and persuasion changed radically with the victory of the proletarian revolution. Persuasion became the chief method while coercion was changed into an auxiliary, supplementary method, for it was applied to the insignificant minority, in the interests of and on the basis of persuasion of the majority. This is wholly understandable since the creative purposes and tasks of the dictatorship of the proletariat, which correspond with the fundamental interests of all the workers, can be realized only when the majority of the workers are convinced of the correctness of the measures

taken. Therefore, the basic method of leadership of the Communist Party and the Soviet State over the masses has always been and is persuasion, not coercion.

The dictatorship of the working class in respect to working people has never been expressed in force, but in the form of State leadership of society based upon persuasion, on the organization of the masses, and on the over-all development of their creativeness and initiative. The dictatorship of the working class was expressed in the form of force and suppression only in respect to the overthrown exploiting classes and their agents, and then only to the extent that the working class was compelled to apply force due to the resistance of these classes to the socialistic reconstruction of society. This was coercion of those who had used coercion, thus it always enjoyed the support and sympathy of the working masses.

The concept that methods of persuasion, indoctrination, and organization of the masses constitute the fundamental method for leadership by Communist Party and the Soviet State over the masses very clearly permeates all the teachings of Marxism-Leninism concerning the dictatorship of the working class.

The Lenin Symposium (No 36) which has just been published contains documents of great interest in this respect, where V. I. Lenin examined the problem of the role of persuasion and coercion in the Soviet State and developed the formula of "persuade -- win over to your side -- and control" in the rough draft of the article Ocherednye zadachi Sovetskoy vlasti (Routine Problems of Soviet Authority). (Note/ Leninskiy sbornik (Lenin Symposium), Vol 36, page 36) In the material for the pamphlet Yeshche raz o profsoyuzakh, o tekushchem momente i ob shibkakh Trotskogo i Bukharina (Once again on Labor Unions, on the Current Situation, and on the Errors of Trotsky and Bukharin), V. I. Lenin gave the following scheme: "The State -- coercion, the Party -- exclusion, and the labor union -- school." "Coercion" must "rest" upon ever wider work of recruiting, the work of organization. "Raising the cultural level... That is the essence of the matter!" (Note/ Op. cit., pages 179, 172.) Here V. I. Lenin compared state coercion with exclusion from the Party and regarded them as extreme measures to which the State and the Party might have to resort. The fundamental method was persuasion and indoctrination. The great significance given by V. I. Lenin to application of the principle of persuasion in respect to the working masses is seen also in the following words: "In the masses of the people we are as drops in the sea, and we can control only when we correctly express what the people feel. Without this the Communist Party will not be able to lead the proletariat; the proletariat will not be able to carry the masses along with them, and the whole machine will break down." (Note/ V. I. Lenin, Collected Works, Volume 33, page 273).

V. I. Lenin included in the most important methods for persuading the masses first of all the actual political experience of the masses, extensive agitation and propaganda work, indoctrination activities,

skillfull and patient explanations of the decisions of the Party and the Soviet Regime, etc.

While V. I. Lenin considered methods of persuasion the fundamental method for influencing the wide masses of the people, he repeatedly pointed out the fact that this does not exclude, but presupposes in case of need the application of coercion too. V. I. Lenin pointed out: "We applied coercion correctly and successfully when we first placed a basis of persuasion under coercion." "First of all we must persuade, then use coercion. At all costs we must first persuade, and then coerce." (Note/ V. I. Lenin, Collected Works, Vol 32, pages 14, 189). V. I. Lenin turned repeatedly to this idea of first persuading, then using coercion. At the same time, he emphasized the entire importance of the skillful combination of persuasion and coercion and the subordinate character of the method of coercion to the requirements of the method of persuasion. Persuasion as the chief method stems from the nature of the Soviet Socialist State, where the people themselves became the masters of their country for the first time in history while the leading and controlling force of all the organizations of the workers, both public and state, is the Communist Party which has no interests other than the interests of the people. At the same time, one must not lose sight of the fact that when the Soviet State applies coercive measures, it combines them with the wide application of different measures of encouragement and with varied forms of social influence.

Lenin's teaching concerning persuasion and coercion permit correct understanding of the role and significance of the Soviet courts, the punishment of crime, and the means for social influence in the system of the Soviet Socialist State.

The activities of Soviet courts organized on genuinely democratic principles (election of all judges, the participation of the population in the work of all links of the judicial system, et cetera) were established in such a manner from the first days of their existence, that priority was given to the problem of education along with the task of suppression of the enemies of the Socialist State, the overthrown exploiting classes. In speaking of the necessity for maintaining the strictest discipline and self-discipline of the workers, V. I. Lenin noted: "We should be silly utopians if we were to imagine that such a task is feasible the first day after the bourgeois regime is overthrown; that is, in the first stage of the transition from capitalism to socialism, or without coercion. Without coercion such an objective cannot be achieved. We need the State, we need coercion. The Soviet courts must be the agency of the proletarian state to carry out such coercion. It is they who will be charged with the enormous task of educating the population in labor discipline." (Note/ V. I. Lenin, Collected Works, Vol. 27, page 191).

It is wholly understandable that the Soviet State encountered very great difficulties in the process of fulfilling this enormous historical task, difficulties which were explained first of all by the fact that, as V. I. Lenin pointed out, the workers started to build a

new, socialistic society "...without having been transformed into new people clear of the filth of the old world, but who were still standing up to their knees in that filth." (Note V. I. Lenin, Collected Works, Vol 28, page 403). V. I. Lenin wrote in a letter to American workers: "The fact that the revolution has begun has not made people holy... And the corpse of the bourgeois society cannot be beaten into the grave and covered with earth. Defeated capitalism is putrefying, it is rotting all about us, poisoning the air with stench, it is poisoning our life by embracing the new, the fresh, the young, the living with thousands of threads and ties of the old, the rotten, the dead." (Note Op. cit., page 54). Considering the task of education and reeducation of the workers very difficult, V. I. Lenin pointed out that immediate cleansing from the filth of the old world was impossible and that "we cannot claim quick successes in this and we do not count upon them. We know that this work will take a whole historic epoch." (Note V. I. Lenin, Collected Works, Vol 27, page 379). All this obliged the agencies of the proletarian state to carry out the most important measures in cultural and educational work; first of all in the education of the new man, the builder of a socialistic, then a communist society along with the fulfillment of enormous organizational and economic activities and carrying out the functions of suppressing the resistance of the overthrown classes.

The practice of the building of communism in the USSR provides clear evidence that the Communist Party and the Soviet State have consistently carried out and are carrying out the Leninist instructions on the decisive significance of methods of persuasion, education, encouragement, and organization of the masses for fulfilling the objectives and the tasks of the dictatorship of the working class. A characteristic example of this is the policy of our Party and the Soviet State in regard to problems of the collectivization of agriculture and, in recent years, the policy connected with the reconstruction of the administration of industry and construction, with extending the rights of the union republics, the local organs of authority, with the reconstruction and procedural changes in planning work, with the reorganization of the machine-tractor stations and the implementation of measures for the further development of the kolkhoz structure, with changes in the procedure for procurement of agricultural products, with the extension of the rights and the reconstruction of the work of the labor unions, etc. All these measures were carried out on the basis of extensive preliminary discussion, explanations, and persuasion.

The Soviet State also combines persuasion and coercion in its punitive policy. From the very first days of its existence, the Soviet State dialectically combines coercion with education, combines general and special warnings, and consistently carries out a policy of limiting the application of punitive measures and substituting measures of social influence for them when applying punishment, which is one of the severe means for implementing state coercion. It is sufficient to state



that in the first days of its existence, the Soviet Regime issued a decree on the abolition of the death penalty. It was pointed out in the program of the Party, adopted at the Eighth Congress of the Russian Communist Party (Bolsheviks) in March 1919, that the courts established by the Soviet States had already made fundamental changes in the character of punishments, making extensive use of conditional sentences, using public censure as a punitive measure, replacing deprivation of liberty with obligatory work which permits retention of liberty, replacing prisons with educational establishments and making it possible to apply the practice of comrades' courts. The program provided that the Party should strive to extend to all members of the whole working population a share in judicial obligations, and that the system of punishments should ultimately be replaced by a system of measures of educational nature.

It is in this direction that the Soviet courts and the punitive policy of the Soviet State have developed. Only the fierce opposition of the overthrown exploiting classes to the measures of the Soviet Regime, the persistent attempts at internal and external counterrevolution to overthrow the Soviet Regime both by frontal assault and by weakening and undermining individual links of the Soviet State apparatus, and the infiltration of spies and saboteurs from imperialistic states into the territory of the Soviet Union have compelled the use of severe repression of the enemies of the proletarian state and even caused resorting to the use of the death penalty.

It is natural that merciless force should inevitably have been used against the enemies of the Soviet Regime, who are offering fierce resistance. However, V. I. Lenin and the Communist Party have never exaggerated the significance of force and have never considered it an end in itself. Moreover, during the first years of the Soviet Regime, which had manifested a very great magnanimity toward its opponents, freed them after giving their word that they would stop struggling with the Soviets and limited itself to the use of soft punitive measures. However, the brutalized counterrevolution started on the path of armed struggle, the organization of mutinies, and treacherously attempted to make use of the magnanimity of the Soviet Regime to the injury of the interests of the young proletarian state. Under these circumstances it is wholly understandable that the Russian proletariat was forced to answer the white terror organized by the overthrown bourgeoisie with red terror in order to save what had been won in the Great October Socialist Revolution which had established the dictatorship of the working class. On the other hand, the Soviet State always made use, first of all, of the methods of explanations, organization, and persuasion when dealing with offenders among the workers.

V. I. Lenin wrote: "After the Revolution of 25 October (7 November), we did not close even the bourgeois newspapers and there was no discussion at all of terror... It was only after the exploiters, that is, the capitalists began to develop their resistance that we began systematically to suppress that resistance, even up to using terror." (Note/ V. I. Lenin, Collected Works, Vol 29, page 476).

As a result of the decisive measures that were taken, all attempts of the overthrown exploiting classes to restore their rule were suppressed, then the exploiting classes in the country were wholly liquidated. Then the Soviet State was rid of its function of suppression since there was no longer any class to suppress. Therefore, the well-known formula, "the State is a machine for the suppression of one class by another" is no longer applicable to our State.

The very character of the Soviet socialist State was materially changed with the withering away of the function of suppression of the exploiting classes. All citizens of the USSR, irrespective of their class connections, have received equal opportunity for participating in the administration of the State. The Soviet socialist State, which is founded on the indestructible friendship of free peoples with equal rights and on the immutable union of workers and peasants, has always expressed the interests of the huge majority of the population and has been transformed in the full sense of the word into an organization of all the people. However, the working class, which is the most highly unified and organized class in the self-sacrificing struggle for building a communist society, will continue to occupy the leading place in the State.

The Soviet Socialist State led by the Communist Party has come to the foreground as a great creative force, bringing together and organizing the masses of the people in carrying out the cherished objective -- that of building communism. In the Soviet Socialist State, which was the first in the world to undertake the role of organizer and teacher of the multimillion masses of the people, all measures of the Soviet Regime are directed toward promoting the interests of the people. Therefore, all Soviet laws and the requirements of the agencies of State authority are fulfilled by the overwhelming majority of Soviet citizens not only willingly, conscientiously, without coercion, but also with enthusiasm. Only an insignificant portion of the citizens perpetrate antisocial acts, infractions of the law, and crimes.

In this connection it should be noted that incorrect statements concerning the essence of Soviet law and socialistic legality are to be found in the juridical and in the economic literature. Some jurists who give a formally dogmatic interpretation of V. I. Lenin's well known instructions that "the law is nothing without machinery capable of compelling obedience to the norms of the law", assert that observance of

Soviet law and Soviet legislation is ensured only by the coercive force of the State. Here is one of those definitions which, unfortunately, is encountered in many works on the theory of the state and law:

"...Soviet socialist law is an aggregate of the rules of behavior (norms) established or sanctioned by the Soviet Socialist State..., whose observance is ensured by the coercive force of the Soviet Socialist State ..." (*Note* / *Teoriya gosudarstva i prava* (Theory of the State and the Law), GOSYURIZDAT [State Juridical Publishing House], Moscow, 1949, page 114. The italics are mine (V. R.))

Similar statements have already been subjected to criticism in the Soviet press. Unfortunately, however, there are also authors who have argued that these definitions are correct.

Is it possible, however, to agree with the statement that State coercion is the sole means for ensuring fulfillment of Soviet legal norms? It seems impossible to us.

Of course, Soviet law, as distinguished from the norms of morality, and like all law, presupposes the presence of machinery capable of applying when necessary State coercion to compel observance of the norms of the law. However, the above definition of the Soviet law completely loses sight of the very important fact that the application of many norms of the law is ensured first of all by a whole complex of economic, organizational, mass cultural, and other measures instituted by the State without any application of coercive means at all. In this connection it is sufficient to cite the articles of the Constitution of the USSR which proclaim and guarantee the rights of the citizens, which are ensured by these measures, not by measures of coercion. Article 118, for example, states that the right to work is ensured by the socialistic organization of the national economy, the steady growth of the productive forces of Soviet society, and the elimination of the possibility of economic crises and the liquidation of unemployment. The very same thing is true of the right to rest (Article 119), the right to social security in old age and also in case of illness and loss of ability to work (Article 120), the right to education (Article 121) and in respect to other constitutional rights of Soviet citizens.

It is self-evident that all these rights are not ensured by the coercive force of the Soviet State, but by the measures indicated in the Constitution. Coercive measures can be applied only in those exceptional cases in which infractions of the rights of Soviet citizens have been permitted through the fault of some officials or other.

Moreover, the above definition does not show the very important role of persuasion in the process of observing and fulfilling the norms of Soviet law. If ensuring the fulfillment of the norms of Soviet law is limited to just the coercive force of the State, then we reduce to nothing the question of its voluntary and conscious fulfillment. It has been noted correctly that Soviet law is far from always having a coercive nature, for the overwhelming majority of its norms are fulfilled willingly.

Finally, it is no accident that V. I. Lenin's article cited here speaks of machinery capable of coercing, not of the application of legal norms being ensured by the coercive force of the State.

It is impossible to agree with the opinion of Academician S. G. Strumilin who considers that "...so long as the law tolerates infractions and therefore requires the application of sanctions, it has not as yet lived up to its potentialities." (Note/Voprosy ekonomiki/Problems of Economics, No 7, 1959, page 130.) Consequently, according to S. G. Strumilin, Soviet laws are manifested only when they are broken.

This assertion is based on an obvious misunderstanding, for the laws of the Soviet Socialist State differ from bourgeois laws not only in their class content, but also in their creative character and their active influence in social respects in building a socialist, then a communist society. It follows from this that Soviet laws fulfill their role not only in those cases in which they are broken, but chiefly as a mighty means in the hands of the State for transforming society, means which are obligated to preserve the Soviet social and State order, the rights and liberties of the citizens, and to assist in carrying out the great program for building communism in our country.

Even the criminal law which contains sanctions in the form of punishments, acts not only in case of infractions, but is of great preventive and educational significance. Let us take, for example, the Law of the Defense of the Peace of 12 March 1951 or the Law of Criminal Responsibility for State Crimes of 25 December 1958 which provides in Article 8 for responsibility for war propaganda. One cannot find a single case of infraction of these laws in the Soviet Union. However, this does not mean that these laws have not manifested their potentials. They are of great international importance and vividly demonstrate the peace-loving policy of the Soviet State. The mission of the Regulations of the Presidium of the Supreme Soviet of the USSR of 24 April 1958 on responsibility for nonfulfillment of the plans and quotas for delivery of products in the economic regions and the union republics, and also for public needs, and of 10 July 1940 on responsibility for producing low-quality or incomplete products and for failure to observe the obligatory standards set up for industrial enterprises also consists chiefly of a warning not to permit such negative phenomena.

The organizational, educational, and creative role of the norms of the law are applicable to other branches of Soviet legislation to a still higher degree than to the criminal code. If we take the laws which regulate economic relationships, for example, the laws on State plans or the State budget, there are no sanctions at all and they are naturally fulfilled by the Soviet people willingly and with great selflessness.

We must not fail to direct attention to the fact that certain jurists evaluate, we think incorrectly, certain new phenomena which have occurred in very recent times in connection with the draft of the Law for Increasing the Role of Society in the Struggle against Those Who Break Soviet Laws and the Rules of the Socialistic Community which has been published in the press. For example, I. D. Perlov considers that placing on parole should be regarded as a measure of criminal punishment, not as a measure of social action. (Note I. D. Perlov, "Otdacha na porok" /Placing on Parole/, Sovetskaya yustitsiya /Soviet Justice/, No 9, 1959, page 24.)

However, it is impossible to agree with this viewpoint. These jurists are proceeding from the old concepts of crime and punishment, concepts which have come from ancient times. They seem to say that crime has been committed but there has been no punishment. But, this is a

mistake. It is precisely here that we note a splendid new feature of our times, for we are now in a stage in the development of a socialist society in which people are becoming more and more responsible for regulating the relationships prevailing among themselves and the struggle against all types of infractions of the social order. It is now wholly possible that committing crimes (not misdemeanors) will not entail criminal punishment in all cases, but will call for the application of social action.

This can be seen, for example, in the articles of the draft of the Law for Increasing the Role of Society in the Struggle against Those Who Break Soviet Laws and the Rules of the Socialistic Community which provide for transferring a whole series of cases involving criminal offenses to comrades' courts which, as is well known, can apply only measures of social action. The draft of the law contains an article providing that the procurator, judge, and the investigating agencies can close criminal cases which do not involve great danger to society and transfer the persons who have committed crimes to be paroled to groups of workers. This is a vital proposition which provides evidence of the further development of humanity in our country. A person who has committed an offense which is not very serious and who has repented of his wrongdoing is not subjected to criminal punishment, but continues to live and to work with his own group, which is then responsible for returning such a person to the ranks of honorable workers.

It is difficult to overemphasize the educational influence which can be exerted on the offender by his own group, the group with which he is bound by joint labor, study, and leisure. The strength of such action is not in punitive measures, but in public judgment and comradely criticism. Fulfillment of the laws and rules of the community has already become a moral obligation for the overwhelming majority of the workers of the socialist society. It stems out of their personal convictions and the action of public opinion, not out of fear of punishment. Fulfillment of norms whose infraction is punishable by law now takes place to an ever increasing extent as a result of personal convictions; it is becoming habitual. As a result of this, the norms of the law are more and more losing their specificity and are growing into the conscientiously fulfilled norms of the communist society.

The further strengthening of the social and State structure, and the strengthening of the moral and political unity of Soviet society have led to a reduction of crime in our country and have created conditions for narrowing the sphere of applications of coercive measures on the part of the State.

Therefore, it is wholly natural that the punitive functions of the State have been sharply reduced within the country with the victory of socialism. In the last few years a number of laws have been adopted which rescind criminal responsibility for certain actions

and replace it with administrative or material responsibility. This again demonstrates how unfounded the view formerly quite widespread not only among the theoreticians but among practical juridical workers, was -- the view that as further progress was made toward communism, repression would be made stronger on the principle that the fewer the offenders, the more severe the punishment.

The role of the Communist Party, which is the leading and controlling force of the Soviet State and the guiding nucleus of all workers organizations, both social and State, will increase steadily during the transition from socialism to communism. This is caused, in particular, by the fact that in this period the significance of the factors of ideological and moral action will be strengthened in all spheres of life and at the same time the measures of administrative action will be weakened.

With further advances along the path to communism, the application of punitive functions will be narrowed down still further, for the role of persuasion and education of the masses will grow to a huge extent during the development of building communism. The sphere of application of State coercion will become ever more narrow.

In this connection N. S. Khrushchev's instructions become very important that "in our socialistic society, where there are no antagonistic classes and groups, where all life is built on the principles of comradeship and friendship, it is necessary to have a more sensitive approach to those persons who have had the misfortune 'to have done the Devil's work.' We believe that there are no incorrigible people. You know the noble nature of Felix Dzerzhinskiy and his method of educating even criminals, not just his political opponents. You know what were the fruits of this method of education. Under our conditions it is necessary to approach people tactfully, to believe in people, to see the final aim -- the struggle for communism. It is necessary to educate and to reeducate people." (Note N. S. Khrushchev Sluzhenie narodu--vysokoye prizvanie sovetskikh pisateley /Serving the People Is the High Calling of the Soviet Writers/, GOSPOLITIZDAT /State Publishing House of Political Literature/, Moscow, 1959, pages 15-16.)

Narrowing the sphere of application of coercion does not mean, of course, that the Soviet State can already apply only persuasive measures and refuse entirely to apply coercive measures. Although, as has been pointed out already, the basic method for leading the masses used by the socialist State has always been the method of persuasion while compulsion on the part of the State to secure observance of the norms of the law has taken a subordinate place, the application of coercive measures to individual lawbreakers has been inevitable.

In many cases the application of educational measures on the part of the public has turned out to be sufficient. However, stern measures of State coercion are necessary in respect to agents of imperialistic States who have been sent into our country, also in

respect to those who maliciously break the legal norms of the socialist community and do not yield themselves to indoctrination, and in respect to thieves, murderers, large speculators, malicious hooligans, and other dangerous criminals. It is precisely in this manner that the criminal laws adopted on 25 December 1958 have solved this problem. On one hand they specify narrowing and mitigating criminal responsibility for actions which do not present great danger to the State and to society but on the other hand they provide for strict responsibility for the most serious crimes against the State and also against the life and health of citizens.

It would be an error to underestimate the role of coercion. V. I. Lenin, resting upon the experience of the Soviet State in the first years of its existence, stated: "The dictatorship of the proletariat was successful because it skillfully combined coercion and persuasion. The dictatorship of the proletariat does not fear coercion and the sharp, decisive, and merciless expression of State coercion, for the leading class, which had been most oppressed by capitalism, has the right to carry out this coercion since it is doing so in the name of the interests of all working people and all who have been exploited and has at its disposal means of coercion and persuasion not available to any of the former classes, even though they did have incomparably greater material resources for propaganda and agitation than we did." (Note V. I. Lenin, Collected Works, Vol 31, pages 465-466.)

Now, however, in the period of large-scale building of communism, the huge growth in the cultural level and the political consciousness of the masses, also the steady and ever-accelerating improvement in the standards of living of the population permit the Communist Party of the Soviet Union and the Soviet State to take the decisive course toward still greater changes in respect to offenders against the socialistic order -- changes which involve still more substitution of methods of persuasion and education for measures of coercion. The role of means for social action in respect to lawbreakers will grow more and more while the role of such State agencies as the police, the procurature, and corrective labor establishments will become more and more restricted.

The very character of the coercion applied to those who break the rules of the community is also changing and will change still more rapidly with time. Public censure of antisocial acts and moral boycotts of lawbreakers will replace to an ever greater extent the measures of State coercion. In addition, these very measures will approach more closely the character of the measures of social action.

Under these conditions the difference will be lessened between the law as a system of rules established by the State and applied by agencies of State authority and morality as a code of moral requirements directly created by society itself and put into practice through the unanimous force of public opinion. Under a high moral level of

society every infraction of the rules of the community and every infraction of the requirements of communist morality would be regarded as an immoral act and would call for decisive measures on the part of public opinion.

Moreover, society itself would begin to enforce to an ever growing extent the observation of the rules of the community. When every citizen will consider it his sacred obligation react to any anti-social act, when he will then be able to depend upon the active assistance of the group, unpunished infractions of the rules of the community will become impossible. At the same time, the development of the material base of communism will reach such levels that will permit achieving the full satisfaction of all reasonable wants of all members of that society. Then the situation will be approaching, which was foreseen by V. I. Lenin, when "...people will gradually become accustomed to observing the elementary rules of the community which have been well known for ages and which have been repeated for thousands of years in all writings, and observing them without force, without coercion, without subordination, and without the special machinery for coercion that is called the State." (Note V. I. Lenin, Collected Works, Vol 25, page 434.)

So long as the level of development of productive forces do not satisfy wholly the wants of all members of society and so long as not all members of society have not learned to work for the good of society in a communistic manner, that is, to the fullest measure of their powers without calculating how much reward they will receive for this or that amount of work, the State will have to exert control over the measure of work and the measure of consumption. So long as some people retain in their consciousness such survivals of the past as striving for a parasitical way of life, drunkenness, a hard attitude toward other people, et cetera, so long as not all people have learned voluntarily to observe the rules of the socialistic community, the State will have to ensure the safeguarding of socialist ownership and the socialistic order; and legal norms and a combination of persuasion and coercion will be essential.

However, decisive measures directed toward a more flexible combination of measures of State coercion with measures for social action have already become possible. In this period of large-scale building of a communist society, when unified efforts of all members of society are required for fulfilling the grandiose plans for creating the material and technological base of communism, the communist education of the citizens and the eradication of the survivals of the past in the consciousness of people acquire special significance.

Under these conditions, when the overwhelming majority of Soviet citizens are straining unselfishly to devote their efforts to solve these great problems, any sort of infractions of the socialist legal order and legislation becomes particularly intolerable. Therefore, the Communist Party and the Soviet State have defined the eradication of



all infractions of the socialist legal order, the elimination of all infractions of the law, and the complete liquidation of such monstrous survivals of the past as crime to be one of the most important tasks of the period in which we are living.

N. S. Khrushchev stated in his report at the Twenty-First Congress of the CPSU: "It is necessary to undertake measures which will forestall, then completely exclude the commission of any offenses by individuals which would wreak harm on society. The main thing is prevention and educational work." The task consists of increasing still further the role of society in the communist education of the masses, of guarding the social order and the rights of citizens reacting in a timely manner to deviations from the norms of social behavior perpetrated by individuals, to check the evil tendencies of these people in good time, and to eliminate the conditions which facilitate the commission of antisocial acts.

The task of liquidating crime and other violations of the law cannot be accomplished solely through the efforts of the police, the procurature, and the judges. "Without the participation of the masses themselves," stated N. S. Khrushchev, "and with merely administrative measures it will be impossible to make an end of such monstrous phenomena. Here the public must play a large role." This establishes the task of developing comprehensively the activities of volunteer peoples units, comrades courts, public inspections, and other independent agencies, and increasing the activity of all Soviet citizens in the struggle for the strict observance of Soviet law and the rules of the socialistic community. Every Soviet citizen is obliged not only to obey the laws himself, to observe labor discipline, and to guard and strengthen socialist ownership, but actively to struggle against all antisocial acts perpetrated by others.

The drafts of the laws on the extensive recruitment of the public in the struggle with violators of the Soviet legal order which have been published for popular discussion mean a new and important stage in the development of Soviet democracy, toward that structure of social life in which all cases will be decided by society itself.

Does the further narrowing of the sphere of coercion in the Soviet State and the recruiting of the wide public in the struggle with violators of the social order mean weakening of the struggle against criminals? Of course not. Soviet judges, the agencies of the procurature, and the police should not only not weaken, but, along with society in general, markedly intensify their struggle against crime. As the Procurator-General of the USSR, R. A. Rudenko, noted correctly in his speech before the Sixth Session of the Fourth Convocation of the Supreme Soviet of the USSR: "...the great amount of work on review of cases in respect to persons who have been judged improperly has never meant and never will mean either amnesty for the guilty or weakening of the struggle with dangerous criminals... There has never been any doubt on the part of the Soviet Regime as to what

methods should be used in struggling against particularly dangerous criminals, enemy agents, murderers, malicious saboteurs of our socialist society, plunderers of socialized property, and robbers."

As Soviet society proceeds along the path to communism, the prospects of the gradual withering away of those agencies of the State which fulfill the functions of coercion are approaching more and more closely. Under communism, as V. I. Lenin pointed out: "...all need for force over people in general, all need for subordination of one person to another and one portion of the population to another portion would disappear, for people would be accustomed to observing the elementary conditions of social living without force and without subordination." (Note V. I. Lenin, Collected Works, Vol. 25, page 428.)

However, this does not provide any grounds for underestimating the role of the agencies of coercion at the present stage. The agencies of coercion are still necessary for guarding the nation from the intrigues of the imperialistic forces and their agents, also for protecting socialized property from thieves and plunderers and for protecting the lawful interests of the citizens, and for carrying on the struggle against antisocial parasitical elements, speculators, hooligans, and other criminals. Still, one cannot fail to note that the trends in the activities of the agencies of coercion are changing. The organization and the persuasion of the masses are acquiring ever greater significance in their work. The sphere of coercion, which had never been the chief method in the activities of the socialist State, is now being narrowed down still further. The activities of such agencies as the police are being more and more closely combined with the activities of peoples units and are gradually acquiring a more social character. The development of the courts is proceeding to an ever greater extent along the lines of combining their work with the activities of comrades courts and more extensive recruitment of the public into the administration of justice. The punitive measures applied by the courts are acquiring an ever increasing educational character. Prisons and other places of detention are gradually being transformed into educational institutions whose activities are wholly devoted to reeducation of lawbreakers and returning them to honorable lives, and should disappear entirely in time.

Of course, all this does not mean that coercion is already dying out. However, the character of the coercion itself and the activities of the State agencies are changing materially. Direct administrative coercion is being replaced to an ever greater extent by other forms of economic, political, and moral action. State coercion is approaching more and more closely to social action, to different forms of persuasion.

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As a result of the victory of the socialist order and in the process of the successful building of communism, the Soviet people have

acquired new moral and spiritual qualities, and have achieved a high cultural level. The cultural and moral level of Soviet people is becoming higher all the time and the communist type of man is being developed -- the man who not only is building communism, but who will also live in a communist society.

The overwhelming majority of Soviet citizens are honorably and unselfishly fulfilling their duty to the Motherland, displaying socialist attitudes toward work and strict and unswerving obedience of Soviet laws. Along with this, there are still survivals of capitalism in the consciousness of people in our society. It is impossible to build communism without decisive and daily struggle against these survivals in the consciousness of people, against the remnants of bourgeois ideology and morals. Success in this struggle depends first of all on the all-around communist education of the working people. This will include education in the new labor discipline.

As the Twenty-First Congress of the CPSU pointed out, the task consists in achieving the further improvement of all work connected with the education of Soviet people, increasing their conscientiousness and activity, developing a new man in the spirit of collectivism and industriousness and in consciousness of his debt to society, in the spirit of socialistic internationalism and patriotism, and unswerving observation of the high principles of communist morality. In order to achieve communism -- the most righteous and highly perfected society, where the best moral features of the free man will be fully revealed -- it is now necessary to educate the man of the future. It is essential to develop communist morality in Soviet people, a morality based on devotion to communism and implacability toward its foes, consciousness of one's debt to society, active participation in work for the good of society, voluntary obedience to the rules of the socialist community, comradely mutual assistance, honor and fairness, and intolerance toward violators of the social order.

Having ended forever the exploitation of man by man, social and national oppression, having liquidated unemployment and need, having eliminated all discrimination based on nationality and race or based on sex, having really ensured the extensive rights and freedoms of the masses of the people, having made them the masters of their own lives and their own State, and having extended man all opportunities for developing his potentialities and talents, the Soviet State is realizing genuine socialistic humanism and is displaying deep solicitude for mankind. There is absolutely no doubt at all that under the leadership of the Communist Party, the future development of our social structure will lead to the complete triumph of the methods of persuasion and the disappearance of all State coercion.